

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

*In re* Flint Water Cases

Case No: 5:16-10444

Judith E. Levy

United States District Judge

---

**LAN DEFENDANTS' AMENDED DISCLOSURE PURSUANT TO DISCOVERY  
COORDINATION PROTOCOL ORDER (Dkt. 566) SECTION IV. E**

NOW COME Lockwood, Andrews & Newnam, Inc., Lockwood, Andrews & Newnam, P.C., and Leo A. Daly Company (the "LAN Defendants") and provide the following information pursuant to the Discovery Coordination Protocol Order (Dkt. 566) entered on August 17, 2018:

1. The LAN Defendants have taken or participated in only one deposition in proceedings falling within the definitions of Federal Flint Water Cases or State Flint Water Cases contained in the Discovery Coordination Protocol Order. The jurisdictional only deposition of Edward Benes was taken by counsel for Plaintiffs on January 10, 2018, at the offices of Drinker, Biddle & Reath in Dallas, Texas following Notice to counsel in both the Federal and State Flint Water cases.

2. The LAN Defendants have not yet served any interrogatories or requests for production of documents in any action falling within the

definitions of Federal Flint Water Cases or State Flint Water Cases contained in the Discovery Coordination Protocol Order.

3. The LAN Defendants have participated with other parties in the service of four documents-only subpoenas in In re Flint Water Cases, Civil Action No. 5:16-cv-10444-JEL-MKM. No documents responsive to those subpoenas have yet been received by the LAN Defendants.

In addition, the LAN Defendants have subpoenaed records from Raftelis Financial Consultants, Inc. (“Raftelis”) relating to the rate study performed by Raftelis for the City of Flint in the Fall of 2013 and the Winter of 2014 in the case captioned, *People of the State of Michigan v. Veolia North America, et al.*, Case No. 16-107175-NM. The subpoena was issued on July 15, 2016. The subpoena specifically sought the following documents: All documents relating to the rate study prepared by Raftelis Financial Consultants, Inc., for the City of Flint in late 2013 and/or early 2014, including but not limited to 1. The rate study; 2. Drafts of the rate study; 3. Emails or other correspondence with the City of Flint regarding the rate study; 4. Emails or other correspondence with Lockwood, Andrews and Newnam, Inc. regarding the rate study; and 5. Emails or other correspondence with any other person or entity regarding the rate study. Documents responsive to this subpoena were received by counsel for LAN in August of 2016 and have been made

available to the other parties in that case. Other counsel wishing to receive copies of the documents received from Raftelis at that time may request the documents by email to the undersigned at [perickson@plunkettcooney.com](mailto:perickson@plunkettcooney.com).

Respectfully submitted,

/s/ Wayne B. Mason

Wayne B. Mason (SBOT 13158950)  
Travis S. Gamble (SBOT 00798195)  
S. Vance Wittie (SBOT 21832980)  
David C. Kent (SBOT 11316400)  
DRINKER BIDDLE & REATH LLP  
1717 Main St., Suite 5400  
Dallas TX 75201  
(469) 227-8200  
wayne.mason@dbr.com  
travis.gamble@dbr.com  
vance.wittie@dbr.com  
david.kent@dbr.com

ATTORNEYS FOR DEFENDANTS  
LOCKWOOD, ANDREWS & NEWNAM,  
INC. and LOCKWOOD, ANDREWS &  
NEWNAM, P.C.

Dated: October 1, 2018

/s/ Philip A. Erickson

Philip A. Erickson (P37081)  
Robert G. Kamenec (P35283)  
Saulius K. Mikalonis (P39486)  
Karen E. Beach (P75172)  
PLUNKETT COONEY  
325 E. Grand River Ave, Suite 250  
East Lansing, MI 48823  
(517) 324-5608  
perickson@plunkettcooney.com  
rkamenec@plunkettcooney.com  
smikalonis@plunkettcooney.com  
kbeach@plunkettcooney.com

ATTORNEYS FOR DEFENDANTS  
LOCKWOOD, ANDREWS & NEWNAM,  
INC. and LOCKWOOD, ANDREWS &  
NEWNAM, P.C.

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2018, I electronically filed LAN Defendants' Amended Disclosure Pursuant to Discovery Coordination Protocol Order (Dkt. 566) Section IV.E with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

By: /s/ Philip A. Erickson  
Philip A. Erickson (P37081)  
PLUNKETT COONEY  
325 E. Grand River Ave, Suite 250  
East Lansing, MI 48823  
(517) 324-5608  
perickson@plunkettcooney.com

Open.25633.72611.20976098-1